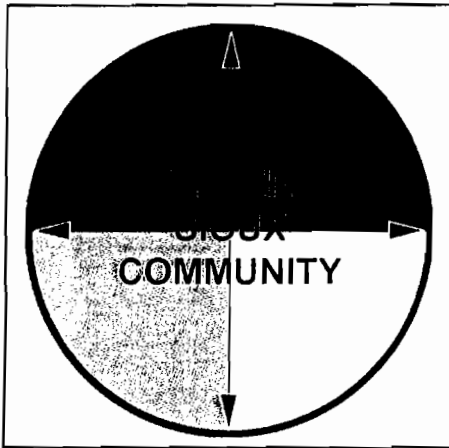


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June 18, 2008

Surface Transportation Board
Section of Environmental Analysis
Catherine Glidden
Environmental Protection Specialist
395 E Street, S.W.
Washington, DC 20423-0001

copy

Re: DM & E Project/Tribal Monitors

Dear Catherine:

I am writing to you in appreciation of the conversation we had on June 12, 2008. I believe the concept of dealing with the lead federal agencies directly and not consulting with any third parties strengthens the government-to-government consultation process; Any other form of consultation at this time, I feel, will diminish the Upper Sioux Community's sovereign status.

The process of having a tribal summit at a specific place and time with all tribes that have been identified as having a tribal affiliation is a good concept. However, I would have to believe that it would be more beneficial and productive if the process was broke down to address specific cultural and historical concerns that only tribal diversity could achieve.

The Surface Transportation Board (STB) has a statutory obligation as the lead federal agency to fulfill the requirements of Section 106 (36CFR800); therefore, the STB shall ensure that this project is in compliance with E.O. 13175.

The identification plan describes three (3) key elements: the A.P.E., minimum standards and qualifications required for the cultural resource investigation, and **AMERICAN INDIAN AND CONSULTING PARTY INVOLVEMENT**. (I would like to clarify that the Upper Sioux Community does not see this as fulfillment of the Section 106 (36CFR 800) consultation process).

The Upper Sioux Community will be placing four (4) Upper Sioux Community members on the list for tribal monitors:

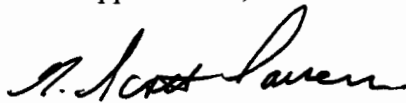
- Tom Ross
- Richard Ross
- Gabriel Ross
- Kristin Ross
-

The Upper Sioux Community, did send Richard, Gabriel and Kristin Ross to the Minnesota University Mankato State to the "Summer Archeology Field School" in 2007. I would like to see tribal monitors have some type of training to assist the principle investigator in the field.

This would ensure that the identification and evaluation of cultural resources is conducted in accordance with the Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation (48FR44716-44742 and 36CFR800.4).

In closing, I would like to address the "cultural resource representative designed by the tribes" term. Tom, Richard, Gabriel and Kristin Ross are all Pejihutazizi Oyate, but will not be voicing the Upper Sioux Community's position and if in the future, I feel the need to have them voice our position I will be sending a letter via US mail.

Sincere appreciation,



N. Scott Larsen
Member-at-Large
Board of Trustees
Upper Sioux Community

cc: BOT
Louis Berger Group